

Senate Concurrent Resolution No. 20

RESOLUTION CHAPTER 88

Senate Concurrent Resolution No. 20—Relative to the Children of Incarcerated Parents Bill of Rights.

[Filed with Secretary of State September 1, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

SCR 20, Liu. Children of Incarcerated Parents Bill of Rights.

This measure would encourage designated entities to distribute the Children of Incarcerated Parents Bill of Rights to identified children of incarcerated parents, and to invite discussion and encourage relevant departments to use the bill of rights as a framework for analysis and determination of procedures when making decisions about services for these children.

WHEREAS, As many as 1 in 10 children have a parent who is in jail, prison, or on parole or probation; and

WHEREAS, Over the last 15 years, federal and state governments have expanded and lengthened criminal sentences, particularly for drug offenses, incarcerating an increasing number of adults. An unintended consequence of this rapid increase in adult incarceration has been the growing number of children whose parents are, or have been, in jail or prison; and

WHEREAS, The California sample of a national survey found that two-thirds of the state's male prison inmates and 79 percent of the state's female prison inmates were parents, with an average of 2.5 children for the men and 2.9 children for the women. Still, state law provides very limited direction on how criminal justice authorities should interact with the families and children of prisoners; and

WHEREAS, Studies indicate that maintaining family bonds during incarceration reduces recidivism for parents and improves outcomes for children; and

WHEREAS, The San Francisco Children of Incarcerated Parents Partnership (SFCIPP) has developed a bill of rights for children of incarcerated parents and has turned it into a resolution for the city; and

WHEREAS, The San Francisco CIPP Bill of Rights sets forth the following principles:

(a) The child has the right to be kept safe and informed at the time of his or her parent's arrest. Actions to realize this right include, but are not limited to, developing arrest protocols that support and protect children, and offering the children and their caregivers basic information about the postarrest process.

(b) The child has the right to be heard when decisions are made about him or her. Actions to realize this right include, but are not limited to, training staff at institutions whose constituency includes children of incarcerated parents, and telling the truth and listening to these children.

(c) The child has the right to be considered when decisions are made about his or her parent. Actions to realize this right include, but are not limited to, reviewing current sentencing law in terms of its impact on children and families, including a family impact statement in presentence investigation reports, and turning an arrest into an opportunity for family preservation.

(d) The child has the right to be well cared for in his or her parent's absence. Actions to realize this right include, but are not limited to, supporting children by supporting their caretakers, and offering subsidized guardianship.

(e) The child has the right to speak with, see, and touch his or her parent. Actions to realize this right include, but are not limited to, providing access to visiting rooms that are child-centered, nonintimidating, and conducive to bonding, considering proximity to family when siting prisons and assigning prisoners, and encouraging child welfare departments to facilitate contact.

(f) The child has the right to support as he or she faces a parent's incarceration. Actions to realize this right include, but are not limited to, training adults who work with young people to recognize the needs and concerns of children whose parents are incarcerated, providing access to specially trained therapists, counselors, and mentors, allocating 5 percent of the corrections budget to support prisoners' families.

(g) The child has the right not to be judged, blamed, or labeled because his or her parent is incarcerated. Actions to realize this right include, but are not limited to, creating opportunities for these children to communicate with and support each other, creating "a truth fit to tell," and considering differential response when a parent is arrested.

(h) The child has a right to a lifelong relationship with his or her parent. Actions to realize this right include, but are not limited to, reexamining the federal Adoption and Safe Families Act of 1997, designating a family services coordinator at prisons and jails, supporting incarcerated parents on reentry, and focusing on rehabilitation and alternatives to incarceration, now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That, the Legislature hereby encourages the State Department of Social Services, the Department of Corrections and Rehabilitation, the Office of the State Foster Care Ombudsperson, schools, relevant nonprofit organizations, law enforcement agencies, and other departments that interact with children of incarcerated parents to distribute the bill of rights created by the San Francisco Children of Incarcerated Parents Partnership to identified children of incarcerated parents, utilizing available funds; and be it further

Resolved, That these entities are encouraged to invite discussion and encourage relevant departments to use this bill of rights as a framework for analysis and determination of procedures when making decisions about services for the children of incarcerated parents; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the author for appropriate distribution.